



FEDERAL EMERGENCY
MANAGEMENT AGENCY

INSTRUCTION	Date	Number	GC
	December 1, 1993	1100.1, Chg 1	

Standards of Conduct

1. Purpose. This transmittal provides page changes to FEMA Instruction 1100.1, Standards of Conduct, dated April 27, 1993. The new page changes provide a listing of the related statutory authorities to standards of conduct (criminal and civil).

2. Action Required. Holders of FEMA Instruction 1100.1 shall make the following change and file this transmittal in front of the instruction for reference purposes.

Page Change:

Remove:

page 3

Insert:

pages 3-6

3. Asterisks. New or revised material appearing on the change page is indicated by asterisks immediately opposite the new or revised material. Asterisks are located in the right margin of odd-numbered pages and in the left margin of even-numbered pages.

James L. Witt
Director

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Distribution: B(HqDivChiefs)
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within 30 days of termination in accordance with Office of Government Ethics published regulations.

c. FEMA employees are responsible for fully familiarizing themselves with all the requirements of the standards of conduct regulations issued by the OGE. The OGE regulations are synopsized in the attachment. FEMA employees are required to conduct themselves in accordance with these regulations. Failure to comply may subject the employee to appropriate disciplinary action.

d. The Inspector General pursuant to the Inspector General Act is the appropriate authority within FEMA for the following:

(1) Investigating reports of waste, abuse, fraud, theft, corruption, and other illegal activities;

(2) Investigating, if appropriate, any suspected violations of the Federal Statutes at 18 United States Code Sections 201-209, and other criminal statutes; and

(3) Referring cases to the United States Department of Justice.

6. Related Statutory Authorities to Standards of Conduct. In addition to the standards of ethical conduct set forth in OGE Regulations, there are a number of statutes that establish standards to which an employee's conduct must conform. The list below is not comprehensive and includes only references to statutes of general applicability:

a. Criminal.

(1) The prohibitions against striking (18 USC 1918).

(2) The prohibition against solicitation or receipt of bribes (18 USC 201(b)).

(3) The prohibition against solicitation or receipt of illegal gratuities (18 USC 201(c)).

(4) The prohibition against seeking or receiving compensation for certain representational services before the Government (18 USC 203).

(5) The prohibition against assisting in the prosecution of claims against the Government or acting as agent or attorney before the Government (18 USC 205).

(6) The post-employment restrictions applicable to former employees (18 USC 207, with implementing regulations at parts 2637 and 2641 of Title 5 CFR).

- ⊗ (7) The prohibition against participating in matters affecting an employee's own financial interests or the financial interests of other specified persons or organizations (18 USC 208).
- ⊗
- ⊗ (8) The prohibition against receiving salary or any contribution to or supplementation of salary as compensation for Government service from a source other than the United States (18 USC 209).
- ⊗
- ⊗ (9) The general prohibition against acting as the agent of a foreign principal required to register under the Foreign Agents Registration Act (18 USC 219).
- ⊗
- ⊗ (10) The prohibition against fraud or false statements in a Government matter (18 USC 1001).
- ⊗
- ⊗ (11) The prohibition against concealing, mutilating or destroying a public record (18 USC 2071).
- ⊗
- ⊗ (12) The prohibition against counterfeiting or forging transportation requests (18 USC 508).
- ⊗
- ⊗ (13) Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (18 USC 2).
- ⊗
- ⊗ (14) Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel knew of the actual commission of the crime (18 USC 4).
- ⊗
- ⊗ (15) Conspiring with one or more persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (18 USC 371).
- ⊗
- ⊗ (16) Lobbying with appropriated funds (18 USC 1913).
- ⊗
- ⊗ (17) Disclosure of classified information (18 USC 798, 50 USC 783); and disclosure of confidential information (18 USC 1905).
- ⊗
- ⊗ (18) The prohibition against misuse of the franking privilege (18 USC 1719).
- ⊗
- ⊗ (19) Deceit in an examination or personnel action in connection with Government employment (18 USC 1917).
- ⊗
- ⊗ (20) Mutilating or destroying a public record (18 USC 2071).
- ⊗
- ⊗ (21) Embezzlement of Government money or property (18 USC 641); failing to account for public money (18 USC 643); and embezzlement of the money or property of

another person in the possession of an employee by reason of his Government employment (18 USC 654).

(22) Unauthorized use of documents relating to claims from or by the Government (18 USC 285).

(23) Any person who is required to register under the Foreign Agents Registration Act of 1938 (18 USC 219) may not serve the Government as an officer or employee. The section does not apply to Reserves who are not on active duty or who are on active duty for training, or a special Government employee in any case in which the department head certifies to the Attorney General that his or her employment by the United States Government is in the national interest.

b. Civil. There are legal prohibitions concerning the following activities which may subject present and former FEMA personnel to civil or other penalties:

(1) The prohibition against misuse of a Government vehicle (31 USC 1344).

(2) The post-employment restrictions applicable to former procurement officials (41 USC 423(f)).

(3) The prohibition on a procurement official's negotiating for employment with competing contractors (41 USC 423(b)(1)).

(4) The prohibition against gifts to superiors (5 USC 7351).

(5) The prohibition against solicitation or receipt of gifts from specified prohibited sources (5 USC 7353).

(6) The prohibition against solicitation or receipt of gifts from competing contractors (41 USC 423(b)(2)).

(7) Acceptance, without the consent of the Congress, of any present, employment, office or title, of any kind whatever, from any king, prince, or foreign state by a person holding any office of profit or in trust of the Federal Government. (Article 1, Section 9, US Constitution, and Public Law (PL) 95-105, Foreign Gifts and Decorations Act of 1966, as amended).

(8) The Code of Ethics for Government Service (PL 96-303, 94 Statute 855).

(9) The prohibitions against certain political activities (5 USC 7321 et seq.)

(10) The prohibitions against disloyalty (5 USC 7311).

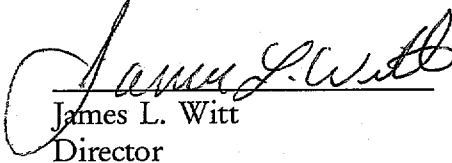
(11) Certain political activities (5 USC 7321-7327 and 18 USC 602, 603, and 607).

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- ⊗ (12) The prohibition against employment of a person convicted of participating in or
- ⊗ promoting a riot or civil disorder (5 USC 7313).
- ⊗
- ⊗ (13) The prohibition against employment of an individual who habitually uses
- ⊗ intoxicating beverages to excess (5 USC 7352).
- ⊗
- ⊗ (14) Habitual use of intoxicants to excess (5 USC 7352).
- ⊗
- ⊗ (15) Misuse of a Government vehicle (31 USC 638a(c)(2)) and 1344).
- ⊗
- ⊗ (16) Acceptance of excessive honorariums (2 USC 441(1)).

7. Forms Prescribed. This instruction prescribes the use of the following forms which may be obtained from the Office of General Counsel.

- a. SF 278, Public Financial Disclosure Report.
- b. SF 450, Confidential Financial Disclosure Report.


James L. Witt
Director

Attachment
Office of Government Ethics Standards of Conduct